



NORTH AMERICAN WATER OFFICE

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April 25, 2005

Mr. Robert Schroeder, Chair
Minnesota Environmental Quality Board
3rd Floor, Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55101

Re: MONTICELLO HIGH-LEVEL NUCLEAR WASTE STORAGE PROPOSAL

COMMENTS ON DRAFT SCOPE OF THE ENVIRONMENTAL IMPACT
STATEMENT

Docket No.: 04-87-CON-Monticello

Dear Mr. Schroeder:

The North American Water Office provides the following comments on the draft scoping decision, issued by your staff on March 11, 2005, for the Environmental Impact Statement concerning the proposal by Xcel Energy to create a new high-level nuclear waste storage facility at the Monticello Power Plant.

To begin, for the record, we would draw your attention to two procedural matters that threaten to strip this proceeding of legitimacy both from a legal perspective and in terms of public perceptions regarding who is allowed to do what to whom.

First, there are ambiguities, confusion and contradictions created by the fact, acknowledged by state and federal officials at the NRC Public Hearing in Monticello on April 20, 2005, that neither the Applicant nor regulators know what properly fits within the federal scope as the re-licensing proceeding unfolds, and what properly fits within the state scope in this proceeding. This creates a "moving target" situation that prevents



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Board of Directors: Laurence LaFond chair, Shirley Little Bird Vice Chair, Lea Foushee Secretary/Treasurer,
Louis Alemayehu, Bruce Drew, Ralph Hilgendorf, Cecilia Martinez, Rosalie Wahl,
George Crocker, Executive Director.

public interest interventions from marshalling available scarce resources strategically, and that allows the Applicant and/or decision-makers to argue or decide that any one of any number of issues, at any point in time, should be over there, not here. The second matter is our troubled uncertainty about just what rules apply to this proceeding considering that Minnesota Rules Part 7850 which govern CON proceedings appear to have been repealed.

This proceeding should be terminated and recommenced only when these ambiguities, contradictions and uncertainties are fully resolved. Please consider this comment a formal request for such termination. To do otherwise would be to inject flaws into this proceeding that may prove fatal, and at a minimum, substantiate the considered opinion that amidst this confusion, the outcome is pre-ordained.

Beyond procedural matters, NAWO has several comments about public health/safety, environmental and security issues as they pertain to the scope of the EIS, recognizing that federal authority preempts state jurisdiction in these matters in-so-far as standards, physical specifications, and operating requirements are concerned. Rather, our concerns focus on the ability of the EIS to adequately identify costs to Minnesota residents and taxpayers, as well as Xcel Energy ratepayers, in view of the probability that federal standards, specifications and requirements are or may not be sufficiently protective for the required periods of time. What is the probability that they are sufficient? This number should be specified in the EIS.

State authority certainly has jurisdiction over cost matters. A detailed evaluation of the cost of on-going nuclear operations at Monticello to the people of Minnesota, including costs in terms of routine public health and environmental consequences, and the cost of liability for potentially inadequate management of age-related degradation and security, for example, is essential if there is to be any meaningful analyses of alternatives to continued operation of the Monticello Nuclear Plant. In other words, the fact that distributed wind-hybrid alternatives in particular do not have these costs and liabilities means that these Monticello costs and liabilities must be adequately quantified before any comparative analysis can have validity.

Public Health and Environmental Impacts From Routine Releases of Radioactive Material

An ISFSI at Monticello would enable reactor operations to continue, and therefore radioactive emissions would continue to routinely be released. Whether the state has authority to regulate such releases is not at issue. Clearly, it doesn't. Plant owners and operators are permitted to cause the premature deaths of as many people and other creatures as happen to prematurely die as a result of exposure to Monticello radiation so long as the radiation releases are within federally established standards. But there is no basis in fact to categorically deny that these impacts exist. If these impacts exist, they have costs associated with them, and these costs must be incorporated into the analysis

used to compare the cost of a new Monticello ISFSI with the cost of distributed wind-hybrid alternatives, for example.

A calculation regarding hypothetical radiation exposure to a fictitious individual at a point on the plant boundary is not sufficient to establish such costs. Neither is data that shows radiation concentrations below regulatory concern on plants or in milk. To provide a factual basis for identifying such impacts, and to adequately incorporate accompanying costs into the cost comparison, the analysis must be based on information about how much radiation will be released from the reactors as a result of the ISFSI, and more importantly, monitoring data that identifies where radiation that is released actually goes. Without knowing where released radiation actually goes, there is no knowledge of the potential for concentrated hot spots, whether people or other creatures live in those hot spots, and no factual basis for determining what the actual cost of such exposure is. But significant releases are routinely reported, and it is preposterous to presume that the impact and the cost of these releases is zero. For purposes of comparing continued Monticello operations with other options, Minnesota Rules Part 7855.0650 and 7855.0660 would seem to require the type of analysis requested by this comment.

Aging Related Costs and Liabilities

Aging reactor components introduce costs and liabilities that have the potential to transform much of Minnesota into a sacrifice zone, with evacuation and abandonment the only options for survivors. The NRC's "Generic Aging Lessons Learned Report," (GALL, NUREG-1801) acknowledges as much by recognizing that certain aging processes are not well understood. Certainly, recent events – at Davis Besse and Indian Point, for example – add credence to the proposition that component failure could indeed result in catastrophic radiation releases.

The potential for such failure adds cost and liability to the ISFSI proposal, and this cost and liability must be incorporated into the analysis that compares it with other options. What is the probability of such an event at Monticello sometime during the 20 years of additional operation an ISFSI would make possible? What is the probability of such an event at some other reactor around the world that would have the collateral effect of shutting down Monticello during that additional 20 year period? Probability bounds that help to define the cost of this risk and liability, just as probability bounds are typically used to specify insurance rates for automobiles, homes and businesses, must be applied to the cost analysis that is used to compare continuing Monticello operations with other electric utility options.

Security

In this day and age, security at nuclear installations is certainly an issue. Whether or not the ISFSI is up to security specifications is not a matter for this EIS, as federal authorities have preempted the matter. But the probability that federally specified

security measures are adequate to prevent significant radiation releases is an open question. (See attachment from Congressman Kline – bearing in mind that the ISFSI at Prairie Island has nice round containers that were touted as being difficult targets, as opposed to large, flat surfaces at Monticello.) Ordinance capable of breaching targets at either site is certainly available, and easily deployable by even a single properly motivated individual.

The EIS should consider advanced security options that include “hardened on-site storage” facilities that are bunkered down and covered. While this would add to the cost of the ISFSI, it would reduce the potential for a security breach, and therefore reduce the cost of risk and liability attached to the ISFSI proposal. But either way, the potential for a breach of security is real, and the cost of that risk and liability, while reduced by a hardened facility, must be included in the cost analysis that compares continued Monticello operations with other options for providing electric utility services.

Term of Storage

A number of costs come along with the acknowledgement that irradiated fuel would remain at a Monticello ISFSI for an unknown but lengthy period of time, with its ultimate destination uncertain. 200 years may be a reasonable period of time to consider, but a lot can change in 200 years. What would be the financial, environmental, and public health costs if, during that period of time, fabrication flaws in a cask or canister, or fabrication flaws in waste assemblies, or unanticipated degradation modes within the cask environment, or operational oversight or error during cask loading, caused additional active management of the waste to be necessary? What is the probability that such events will occur during a 200 year period? What would resulting costs and impacts be, if there were no longer a Monticello facility, or a nuclear priesthood available to help manage the situation? The EIS must provide reasonable answers to these questions.

The potential for such events to occur is real, and the cost of that risk and liability, based on a probability assessment over a 200 year period, must be quantified and included in the cost analysis that compares the ISFSI at Monticello with other electric utility options.

Thank you for your consideration.

Copies of this comment have been sent this date via the U.S. Postal Service to parties on the attached Service List.

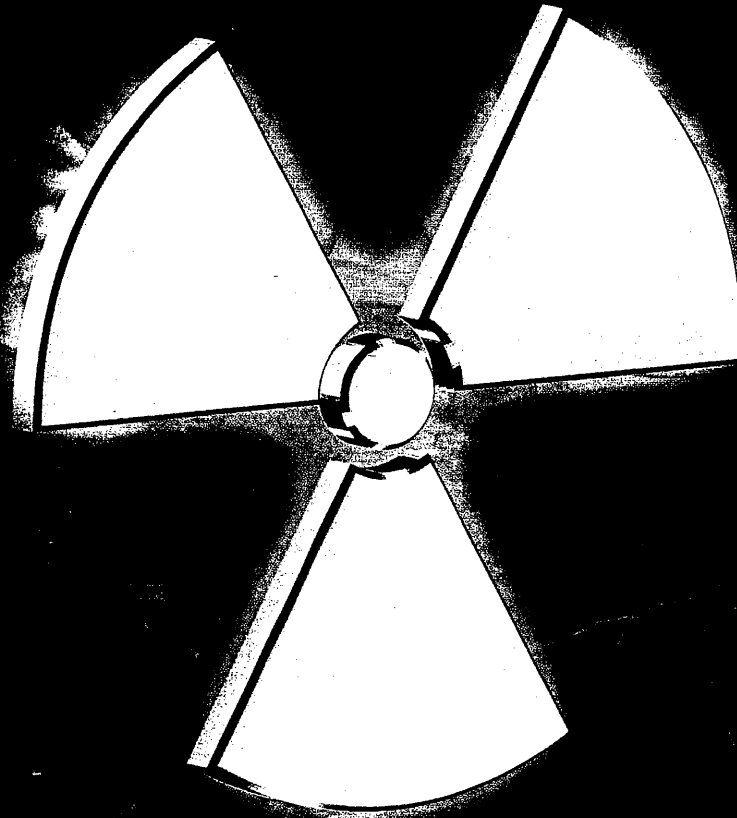
Sincerely,

A handwritten signature in cursive script, appearing to read "George Crocker".

George Crocker,
Executive Director

Keeping Minnesota free of Nuclear Waste.

An update from Congressman John Kline.



This mailing was prepared, published and mailed at taxpayer expense.



Congress of the United States
House of Representatives
Washington, DC 20515
Official Business

John Kline
M.C.
PRSRT STD

Congressman John Kline is working to remove nuclear waste from our community.

The presence of nuclear waste is not only a potential environmental risk, it could also be a tempting target for terrorists.

Xcel Energy's nuclear waste storage site is located in Welch, MN. Currently, dry-cask storage units of nuclear waste sit just outside of local communities on a flood plain, and only yards away from the Mississippi River.

An accident or an act of terrorism could potentially devastate not only local communities, but communities all along the Mississippi River, from Minnesota to the Gulf of Mexico.

Funding for Yucca Mountain Approved.

John Kline strongly supports the Yucca Mountain program to store dangerous nuclear waste in Nevada. Yucca Mountain provides the best available option to store nuclear waste—sealed under heavy military security far from population centers and environmentally sensitive areas.

The Fiscal Year 2005 Omnibus Appropriations bill includes \$577 million to fund the Yucca Mountain nuclear waste program. This funding is an important step toward one day removing nuclear waste from the Red Wing community.

Storing nuclear waste in an isolated, militarily secure location in Nevada, in a facility designed for permanent storage, may not satisfy everyone, but it is better than leaving it where it now sits: near our communities.

"Keeping our families, communities and environment safe is critical. I am committed to reaching a solution that permanently removes nuclear waste from our communities."

— Congressman John Kline

Contact Congressman John Kline

Congressman Kline has 2 offices to serve you. Please contact him with your questions or comments.

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Visit him on the web at www.house.gov/Kline

**In the Matter of Xcel Energy for a
Certificate of Need to Establish an
Independent Spent Fuel Storage**

E002/CN-05-123

2-22-2005 (service list from ALJ – S. Mihalchick)

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